
SENATE BILL No. 85

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2.5-9; IC 8-1-2.6-4.

Synopsis: Regulatory flexibility committee. Provides that the regulatory flexibility committee consists of the members of a house standing committee selected by the speaker of the house of representatives and the members of a senate standing committee selected by the president pro tempore of the senate. Requires, in the making of the selections, that the speaker determine which house standing committee and the president pro tempore determine which senate standing committee has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee.

Effective: Upon passage.

Weatherwax

January 7, 2003, read first time and referred to Committee on Utility and Regulatory Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 85

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2.5-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A regulatory
3 flexibility committee established under IC 8-1-2.6-4 to monitor
4 changes in the telephone industry shall also serve to monitor changes
5 and competition in the energy utility industry.

6 (b) The commission shall, ~~before August 15, 1997, and~~ before
7 August 15 of each year, ~~after 1997~~, prepare for presentation to the
8 regulatory flexibility committee an analysis of the effects of
9 competition or changes in the energy utility industry on service and on
10 the pricing of all energy utility services under the jurisdiction of the
11 commission.

12 (c) In addition to reviewing the commission report prepared under
13 subsection (b), the regulatory flexibility committee shall also issue a
14 report and recommendations to the legislative council before
15 November 1 ~~1997, and before November 1~~ of each year ~~after 1997~~ that
16 are based on a review of the following issues:

17 (1) The effects of competition or changes in the energy utility



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industry and the impact of the competition or changes on the residential rates.

(2) The status of modernization of the energy utility facilities in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development of this modernization.

(4) The traditional method of regulating energy utilities and the method's effectiveness.

(5) The economic and social effectiveness of traditional energy utility service pricing.

(6) The effects of legislation enacted by the United States Congress.

(7) All other energy utility issues, **including gas utility issues**, the committee considers appropriate. ~~provided~~, However, it is not the intent of this section to provide for the review of the statutes cited in section 11 of this chapter.

(d) This section:

(1) does not give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995;

(2) does not give the committee the authority to order a party to a collective bargaining agreement to cancel, terminate, amend, or otherwise modify the collective bargaining agreement; and

(3) may not be implemented by the committee in a way that would give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995.

(e) The regulatory flexibility committee shall meet on the call of the co-chairs to study energy utility issues described in subsection (c). The committee shall, with the approval of the commission, retain independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid with funds from the public utility fees assessed under IC 8-1-6.

(f) The legislative services agency shall provide staff support to the committee.

(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

SECTION 2. IC 8-1-2.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A regulatory

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flexibility committee is established to monitor competition in the telephone industry.

(b) The committee is composed of the members of ~~the a~~ house ~~commerce~~ **standing committee selected by the speaker of the house of representatives** and ~~the a~~ senate ~~commerce~~ **standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee.** The ~~chairman~~ **chairpersons** of ~~each of those the~~ **standing committees selected under this subsection** shall co-chair the regulatory flexibility committee.

(c) The commission shall, by July 1 ~~1993, and of~~ each year, ~~thereafter~~, prepare for presentation to the regulatory flexibility committee an analysis of the effects of competition on universal service and on pricing of all telephone services under the jurisdiction of the commission.

(d) In addition to reviewing the commission report prepared under subsection (c), the regulatory flexibility committee shall also issue a report and recommendations to the legislative council by November 1 ~~1993, and of~~ each year ~~thereafter~~ that is based on a review of the following issues:

- (1) The effects of competition in the telephone industry and impact of competition on available subsidies used to maintain universal service.
- (2) The status of modernization of the public telephone network in Indiana and the incentives required to further enhance this infrastructure.
- (3) The effects on economic development and educational opportunities of this modernization.
- (4) The current method of regulating telephone companies and the method's effectiveness.
- (5) The economic and social effectiveness of current telephone service pricing.
- (6) All other telecommunications issues the committee deems appropriate.

(e) The regulatory flexibility committee shall meet on the call of the ~~co-chairmen~~ **co-chairpersons** to study telecommunications issues described in subsection (d). The committee shall, with the approval of the commission, retain the independent consultants the committee



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- 1 considers appropriate to assist the committee in the review and study.
- 2 The expenses for the consultants shall be paid by the commission.
- 3 **SECTION 3. An emergency is declared for this act.**

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